IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 2437 OF 2003

IN

SUIT NO. 2158 OF 2003

Smt. Subhadra Sham Tawde .....**Plffs.**
vs.
Mahonhar Shankarrao Tawde and ors. .....**Defnds.**

Atul Damle for the plffs.

Virendra Tulzapurkar a/w,. Neeta Rajda i/b. DSR Associates for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 30th September, 2005.

P.C. :.

1. The plaintiff has filed the present suit on the basis of Clause 22 on the deed of partnership. The said Clause 22 reads as under:

> "22 If any partners dies during the continuance of these presents, the heirs and legal representatives of the deceased partner will not be entitled as of right to become partners is on the firm and they shall be entitled to the share of the deceased partner on his death, on the footing that a notional dissolution had taken place at the time of his

death. the partnership firm will none the less continue with the remaining partners, and the share of the deceased partner in the profits and losses of the firm will be equally divided amongst to the other partners.

2. By the present motion the plaintiff is seeking injunction inrespect of a premises of the partnership firm.

2, The deceased husband of the plaintiff was the partner of the said firm. He has died in 1985. the suit is filed in 2003. surrender of the tenancy has taken place in 1994. the defendant no.3 as landlord has taken back possession of the firm. In the aforesaid circumstances it is not possible to grant any interim order at this stage.

sd/-

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